

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-116-E - ORDER NO. 90-336 ✓
APRIL 10, 1990

IN RE: Request of South Carolina Electric) ORDER
and Gas Company for Partial Waiver) GRANTING
of Requirements of Regulation 103-304) WAIVER

On February 15, 1990, South Carolina Electric and Gas Company (SCE&G) filed pursuant to Commission Regulation 103-304(1), a request for approval from the Public Service Commission of South Carolina (the Commission) to extend an existing distribution line in Aiken County across territory assigned to Aiken Electric Cooperative, Inc., (the Cooperative). SCE&G stated that the line extension was necessary to provide electric service to Stratford Hall, a residential subdivision within the city limits of Aiken. The City of Aiken has granted a franchise to SCE&G to provide electric service within the City.

On March 1, 1990, the Commission issued a letter requesting comments on the proposed line extension from the Cooperative within twenty (20) days. On March 14, 1990, SCE&G filed in this docket a request for a partial waiver of R.103-304(1), pursuant to R.103-301(3). Regulation 103-301(3) says that if compliance with a regulation introduces unusual difficulty, such regulation may be waived by the Commission if the waiver is in the public interest.

SCE&G asserted that if consideration of the earlier request of SCE&G shall require further proceedings before the Commission, final action on the application could be delayed by a number of months. According to SCE&G, construction service on the site was required at the beginning of April. Therefore, SCE&G requested that the Commission waive the requirement of prior Commission approval for the construction of the line pending final resolution of any proceedings concerning the approval of this line on the merits. SCE&G expressly agreed to remove the line in question if upon final resolution of the proceedings, the approval requested was denied. On March 15, 1990, the Cooperative filed comments in opposition to SCE&G's request for approval of the proposed line extension. The Cooperative indicated that it would be willing to serve the area in question.

The Commission ruled on March 20, 1990, that because service on the site was required at the beginning of April 1990, that the partial waiver of the requirements of R.103-304 requested by SCE&G should be granted pending final resolution of any proceedings concerning the approval of this line on the merits. The Commission further found that if it ultimately ruled against SCE&G on the merits, SCE&G could be ordered to remove the line in question.

On March 27, 1990, the Cooperative filed with the Commission a Petition for Rehearing or Reconsideration of the Commission's ruling and requested oral arguments before the Commission in the Petition. The Commission set oral arguments on April 3, 1990 at 11:00 A.M. Appearing on behalf of the Cooperative were Thomas E.

Huff and Margaret B. Seymour; John A. Martin and Belton T. Zeigler represented SCE&G, James M. Holly appeared on behalf of the City of Aiken; the Municipal Association was represented by James M. Brailsford, III; and Sarena D. Burch represented the Commission Staff.

The Cooperative argued that the Commission's granting of a partial waiver was prejudicial to the Cooperative even though the Commission did rule that the line may have to be removed if the decision on the merits was against SCE&G. The Cooperative stated that SCE&G did not show that compliance with R.103-304(1) would be unusually difficult and did not show that the waiver was in the public interest. The Cooperative's position is that it has the right to a hearing before the Commission as to the issue of whether the waiver should be granted.

SCE&G argued that the waiver is in the public interest. According to SCE&G it would be unusually difficult to comply with the regulation due to the fact that the developer needs electric service immediately. If the Commission ultimately ruled with the Cooperative, SCE&G stated that it would remove its line. The City of Aiken and the Municipal Association concurred with SCE&G that the granting of the waiver was in the public interest in order to insure that the developer receives service as soon as possible.

The Commission finds, after hearing the arguments of all parties, that the Commission's decision of March 20, 1989, should be affirmed. Therefore, the Petition for Rehearing or Reconsideration is denied. The Commission again finds that because

service on the site is required at the beginning of April 1990, the partial waiver of the requirements of R.103-304(1) is in the public interest pending final resolution of any proceedings concerning the approval of this line on the merits. The Commission again reminds the parties that if it ultimately rules against SCE&G on the merits, SCE&G could be ordered to remove the line in question.

A hearing on the merits of the request by SCE&G for approval of the proposed line extension will be held on July 25, 1990 at 10:30 A.M.

IT IS THEREFORE ORDERED:

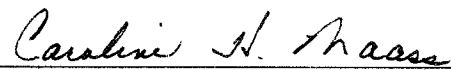
1. That the Petition for Reconsideration or Rehearing by Aiken Electric Cooperative, Inc. is denied.

2. That the Commission's decision of March 20, 1990 is affirmed.

3. That a hearing on the merits shall be held on July 25, 1990 at 10:30 A.M.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy
Executive Director

(SEAL)